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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,479	11/21/2003	Noboru Koumura	00862.023336	8112
5514	7590	03/09/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PAHNG, JASON Y	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/717,479	Applicant(s) KOUMURA ET AL.	
	Examiner Jason Y Pahng	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/21/03 & 3/29/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, are the particles in line 4 the same particles as the particles in line 3? Also, are the particles in line 8 the same particles as the particles in line 4? Furthermore, from which step did the plastic material in line 11 come from?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lecturmy et al. (US 6,311,904) in view of Christiani et al. (US 2003/0183705), Prew et al. (US 5,257,740), Aoki et al. (US 6,568,612), and Arakane et al. (US 6,588,597).

With regard to claim 1, Lecturmy discloses a process for crushing a cartridge while toner are collected by suction and then separated with a screen. In a closely

related art, Christiani teaches a process for recycling a plastic material of a package or cartridge [0001] wherein the process includes:

1. using a magnetic separator [0005]);
2. using a magnetic drum separator [0005];
3. using an eddy current [0006];
4. using an air separator (20); and
5. a spectroscopic separation process [0001];

Christiani's process improves separation of materials which can be recycled. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lecturmy with a process for recycling his plastic cartridge as taught by Christiani, in order to improve separation of materials which can be recycled.

Claim 1 also calls for a nominal secondary crushing step. In a closely related art, Prew discloses a secondary crushing step (column 2, lines 15-23) in order to further reduce size of a material during a recycling process. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lecturmy (as modified by Christiani) with a secondary crushing step in order to further reduce size of a material during a recycling process, as taught by Prew.

Claim 1 additionally calls for a nominal peeling step. In a closely related art, Aoki discloses a peeling step (column 19, lines 43-50) in order to scrape off impurities from the material being recycled. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lecturmy (as modified by Christiani)

with a peeling step in order to scrape off impurities from the material being recycled, as taught by Aoki.

Claim 1 further calls for a nominal dry gravity separation step. In a closely related art, Arakane discloses a dry gravity separation step (column 5, lines 1-15) in order to separate materials including plastic according to their specific gravity during a recycling process. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lecturmy (as modified by Christiani) with a dry gravity separation step in order to separate materials including plastic according to their specific gravity during a recycling process, as taught by Arakane.

Claim 1 still further call for a nominal process to separate plastic material by color. Aoki discloses a process for separating plastic material by color (column 4, lines 52-59) in order to enhance the quality of recovered plastic. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Lecturmy (as modified by Christiani) with a process for separating plastic material by color in order to enhance the quality of recovered plastic, as taught by Aoki.

With regard to claim 2, Christiani's process includes a plastic material conveyed in a dried state in a spectroscopic separation process [0001].

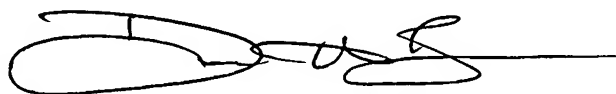
With regard to claim 3, the intended use of the process for a particular plastic material with a reflection density not less than 1 does not differentiate the claimed process from a prior art process satisfying the claimed process limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JYP

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